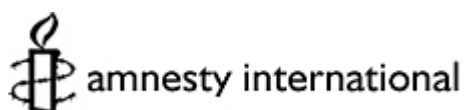


Title	Amnesty International Annual Report 2011 - Ukraine
Publisher	Amnesty International
Country	Ukraine
Publication Date	13 May 2011
Cite as	Amnesty International, <i>Amnesty International Annual Report 2011 - Ukraine</i> , 13 May 2011, available at: http://www.unhcr.org/refworld/docid/4dce1533c.html [accessed 30 January 2012]
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Amnesty International Annual Report 2011 - Ukraine

Head of state: Viktor Yanukovich (replaced Viktor Yushchenko in February)

Head of government: Mykola Azarov (replaced Yuliya Tymoshenko in March)

Death penalty: abolitionist for all crimes

Population: 45.4 million

Life expectancy: 68.6 years

Under-5 mortality (m/f): 18/13 per 1,000

Adult literacy: 99.7 per cent

There were reports of torture and other ill-treatment in prisons and police custody. Prisoners and criminal suspects received inadequate medical care. Human rights defenders were physically attacked and faced harassment from law enforcement officers. Refugees and asylum-seekers were threatened with forcible return and other human rights violations. Police discriminated against ethnic minorities and peaceful demonstrators were detained and subjected to violence.

Torture and other ill-treatment

Allegations continued of torture and other ill-treatment in police custody. In March, the Human Rights Department within the Ministry of Internal Affairs, which had monitored police detention, was closed. It was replaced with a smaller division without a monitoring remit.

On 1 July, the European Court of Human Rights ruled that a group of prisoners had been subjected to torture and other ill-treatment when they were beaten in Zamkova Prison in Khmelnytskyi region in two separate incidents in 2001 and 2002. The beatings took place during a training programme for the Rapid Reaction Unit, a special group of prison guards called in to deal with unrest in prisons.

- On 1 July, prisoners in Vinnytsya Remand Prison No. 1 were reportedly ill-treated by the Rapid Reaction Unit as punishment for protesting against the ill-treatment of a group of prisoners the day before. Prisoners' relatives gave accounts of the events over the two days. On 30 June a group of 15 prisoners were due to be taken to court. The police officers escorting them ordered one of them to strip

naked. When he refused to remove his underpants, he was beaten, handcuffed and tied to the wall. Other prisoners were also beaten. When the police convoy arrived to escort prisoners to court the next day, the prisoners refused to leave their cells in protest at the previous beatings. The prison authorities called in the Rapid Reaction Unit, which allegedly beat prisoners indiscriminately.

Deaths in custody

In January, the Deputy Head of the Department for the execution of sentences stated that health facilities in prisons were underfunded. Prisoners were not allowed out of prison for medical treatment outside the prison system.

- Tamaz Kardava died in hospital on 7 April having been denied vital medical care. A Georgian citizen and a refugee from the conflict in Abkhazia, Tamaz Kardava was already suffering from Hepatitis C when he was detained in Ukraine in August 2008. He was allegedly tortured in Shevchenkovskiy district police station in Kyiv to force him to confess to a burglary. Medical reports confirmed that he had been badly beaten and raped with a police baton. For the last two months of his pre-trial detention he had been denied any specialized medical treatment for his condition, and his health worsened dramatically. On 30 March he spent six hours lying on the floor in the courtroom on a stretcher in Shevchenkovskiy Court in Kyiv. The judge refused his lawyer's request to transfer him immediately to hospital.

Human rights defenders

The work of human rights defenders and human rights NGOs was made more difficult as they faced obstruction in the courts and physical attacks. At least three human rights defenders were targeted in relation to their legitimate human rights work.

- In May, Andrei Fedosov, the chair of a mental disability rights organization, Uzer, was assaulted by unidentified men following threatening phone calls. Police refused to register his complaint and took no action. In July, he was detained for a day in relation to a crime allegedly committed 10 years before, when he was 15 years old. On 20 September the charges against him were dropped as it was proved that he was in a closed children's hospital at the time and could not have committed the crime.
- On 29 October, trade union activist Andrei Bondarenko was ordered to undergo a forced psychiatric examination by a court in Vinnytsya. The decision was upheld on appeal in November. Andrei Bondarenko had no record of mental illness and had undergone three psychiatric examinations to prove his sanity, most recently in October. Among the reasons quoted by prosecutors for him to be examined was his "excessive awareness of his own and others' rights and his uncontrollable readiness to defend these rights in unrealistic ways". Andrei Bondarenko had defended the rights of seasonal workers in sugar beet factories in Vinnytsya district and had exposed corruption at high levels.

Refugees, asylum-seekers and migrants

Asylum-seekers in Ukraine continued to be at risk of arbitrary detention, racism and extortion at the hands of the police and return to countries where they would be at risk of serious human rights violations. An inadequate asylum system left them unprotected.

In January, the EU-Ukraine Readmission Agreement came into force for third country nationals. According to the agreement, EU states can return irregular migrants to Ukraine providing they entered the EU via Ukraine. According to the International Organization for Migration, between January and July, 590 people were returned according to the terms of the Readmission Agreement. There were reports of migrants being beaten or otherwise ill-treated while in detention. Furthermore, although the

Readmission Agreement is intended to apply to "illegal aliens", asylum-seekers were reportedly among those returned.

- At the end of the year four asylum-seekers from Uzbekistan – Umid Khamroev, Kosim Dadakhanov, Utkir Akramov and Zikrillo Kholikov – were in detention awaiting extradition to Uzbekistan. All four were wanted in Uzbekistan on charges including membership of an illegal religious or extremist organization, dissemination of materials containing a threat to public security and order, and attempts to overthrow the constitutional order. They would risk torture and other ill-treatment if returned. In July, the European Court of Human Rights made a formal request to the government not to return the asylum-seekers to Uzbekistan until their case had been considered, but withdrew this request upon assurances that the men would not be returned until they had exhausted all stages of the asylum process.

Racism

Police continued to apprehend and detain people because of the colour of their skin.

- On 29 January, three plain-clothes police officers approached two Somali men, Ismail Abdi Ahmed and Ibrahim Muhammad Abdi, outside their apartment building, and asked them to produce their documents. The police officers then reportedly forced their way into the apartment, searched it without a search warrant, and punched one of the occupants. The police officers removed US\$250 from the pocket of a pair of jeans belonging to Ibrahim Muhammad Abdi. Throughout the search, the police officers called the Somali men "pirates". On 13 February, two of the same police officers returned to the apartment. They told the Somali men living there that they wanted to film them retracting the public statements they had made about the search. The Somalis refused to open the door and, after several hours, the officers left.

Freedom of assembly

- In May and June, peaceful demonstrators protesting the illegal felling of trees in Kharkiv were beaten by members of the "Municipal Guard" (commercial security guards employed by the City Council. Some were later refused medical treatment, including Liubov Melnik who was hospitalized after being beaten by "Municipal Guards". She was reportedly asked by Municipal Guard personnel to deny that she had been beaten by the guards, but had injured herself by falling. The hospital then informed her that there were no more beds and discharged her and, subsequently, three Kharkiv hospitals refused to treat her. On 2 June, demonstrators positioned in the trees were injured when loggers started to cut them down.

Demonstrators described how the police stood by while the guards beat protesters and journalists without intervening. On 28 May, between 10 and 12 people were detained for approximately eight hours by the police before being brought before a judge. Andrei Yevarnitsky and Denis Chernega were sentenced to 15 days' detention on 9 June for "malicious refusal to obey a law enforcement officer", although video footage of the events shows the demonstrators leaving with police officers peacefully.

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